

REMARKS

Claims 1, 3, 6-7, 9-18, and 21-40 are pending. Claims 1, 3, 6, 7, 9-16, 21-30, and 34-40 are allowed. Claims 17 and 31 are amended. No new matter is entered.

Interview Summary

Applicants thank the Examiner for the courtesies extended during a telephone interview on March 5, 2007 with Julius C. Fister, III and the undersigned, attorneys of record. During the interview, Applicants agreed to present the amendments made herein.¹

Claim Rejections: 35 U.S.C. § 101

Claims 17-18 and 31-33 were rejected under 35 U.S.C. § 101 for not reciting subject matter eligible for patenting.

Claim 17 as amended requires “displaying a value indicative of the result of the assay.” Claim 31 as amended requires “performing at least one action based on the determined value.” Examples of the additional action that may be performed in accord with claim 31 include rejecting an assay result or displaying an error condition (such as by alerting a user to disregard the assay) if the determined value is unacceptable, and otherwise displaying a result indicative of the assay (discussed, among other places, in priority application no. 60/508,001 at paragraphs [50] and [62]). Applicants therefore ask the Examiner to reconsider and withdraw the rejection.

Respectfully submitted,

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¹ Applicants nevertheless believe that the claims as previously presented recited patentable subject matter but are making the present amendment to expedite prosecution. Applicants reserve the right to re-present the claims in their previous forms in this or another application.